

# CLANDESTINE AMERICA



THE WASHINGTON NEWSLETTER OF THE

ASSASSINATION  
INFORMATION  
BUREAU

Nov-Dec 1978/Jan-Feb 1979 ©AIB, Inc.

Vol.2 No.5

*"This is the Age of Investigation, and every citizen must investigate." — Ed Sanders*

## REFLECTIONS ON THE ASSASSINATION HEARINGS

There has been an immense surge of activity around the assassination question during the past several months, mostly owing to the HSCA public hearings which opened on August 14 and closed on December 12. This high level of activity is reflected in this current issue of *Clandestine America*, our first double issue. We have been running at six or eight pages. Last issue we strained and went to ten. This month we have gone to 14 pages because of the length and importance of the material we have to present. And the printing and manpower burden this puts on us forces us to call it a double issue and promise to see you next April, when we will publish a detailed account of the HSCA's "Findings and Recommendations" report to be released on January 2. Chairman Louis Stokes informs also that "arrangements are being made to publish in early 1979 the committee's investigative summaries, the public hearing transcripts and reports by scientific projects and consultants. . . ."

"History itself marched before us," said Stokes' in his concluding statement on December 12. He reviewed the stormy days of the 1960s and how they had passed before us in review in the amazing parade of witnesses before the committee—"a former U.S. president, a foreign head of state, a former governor of Texas, federal officials including two former attorney generals, Dallas and Memphis police officers, an underworld boss, a professional boss, a professional gambler, young men from the ghetto, a woman with a laundry ticket, a man with an umbrella, and murderers, one convicted, others only suspected."

The interviews Jeff Goldberg conducted for this issue with some of the more active critics turned out to be an important document, we thought. Better than our words alone could tell, these interviews reveal the range and complexity of the material dealt with by this committee and the difficulty one must have in forming final judgments as to its real meaning.

The behavior of the media deserves special comment. It may be true, as a recent Harris poll showed, that 80% of us now disbelieve the Warren no-conspiracy finding, but among Washington media people, that proportion is pretty well reversed. Who knows why, but media people insulate themselves from this material and refuse to reflect on its implications. Of course, some of them are also human, and extended encounter with the evidence will have an educative effect. They will start to come around—then run into the wall. One sad anecdote from the hearings will illustrate.

A reporter for one of the big outlets chanced one day to be the only one of the major media people at the hearings to get the real point of what had happened that day. Chairman Stokes had presented a major blast at the FBI and raised the question of FBI co-responsibility in King's death. It was a dramatic moment.

Stokes is a fine speaker, he cared a lot about what he was saying, and his statement was well conceived and written. The reporter who picked up on it had caught a strong story, clearly the lead of the day. And all the other majors missed it.

The reporter came in the hearing room smoldering the next day, slouched to his place muttering darkly about getting chewed out by his boss. Chewed out? For what? For that story about Stokes' speech on the FBI, he said. But that was a great story, nobody else got it. That's the point, he said. Why? Because my bosses say that if the rest of the press didn't get it, too, it must not have happened, and it looks bad when one of us says something so different from the rest.

What an educational exchange! One had heard things about "scoops" and journalistic courage, and now it turned out that the real key to success in the big time was something else. You had to know how to run with the pack, because what the "news" actually was, boiled down, was the collective opinion of this same pack. If the pack thinks JFK was killed by a lone nut, then anybody who thinks something else must be another one.

How often on the lecture circuit in the old days the Warren critic would hear someone say that if any of these doubts were actually valid, and if there was anything at all to the monstrous idea that the president was killed by a conspiracy, then surely by now our bright, ambitious people of the media would already have found out all about it and won Pulitzers, like Woodward and Bernstein. Since there are no Woodward and Bernstein of the JFK assassination issue—and no Pulitzers—there must actually be no issue.

All ye who have ever thought that particular thought, take heed and ponder this tale of the bright, ambitious reporter who got rebuked for his scoop, while the ones with the blandest and emptiest impressions of what happened that day in the hearing room cruised on through their career-week without a ripple. Pack journalism is, to our mind, a very special problem in the conspiracy cases because pack journalists are so timid and vicious. As the interviews below make clear, there are many faults to find with the HSCA's hearings. But their performance was a hundred times in front of the mainstream media in terms of curiosity, investigative vigor, and courage to face tough possibilities.

If the press had reported each day on the actual contributions the committee was making instead of constantly blunting everything that said conspiracy and overplaying everything that said relax, then the 80% of us who today sense conspiracy in the JFK death would be not only more numerous, but also more aroused and more insistent that the whole truth be found. The committee told us that Oswald was hanging out around Carlos Marcello at the very time Marcello was threatening JFK's life, and the press hardly blinked. The Committee told us it did not think Ruby got in to shoot Oswald the way Warren said but may have had help from the police in getting in, and the press sat on its pencils as though the story meant nothing. The Committee ran out a never-before-heard acoustic tape in evidence, an actual recording

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of the gunfire, and all the press said was that there was a 50-50 chance it didn't mean a thing.

A peroration on this theme: One has no doubt that a free press can help us all be free. But when it does not choose to use its freedom, how can its freedom make a difference? And if it doesn't make a difference, how can it be real?

-C.O.

### A RESPONSE TO THE JFK HEARINGS— 7 Questions for 7 Critics

People are asking what the HSCA accomplished during its JFK investigation. We thought it would be helpful for our readers to see what a representative sampling of the citizen experts think. So we decided on an AIB questionnaire, which was conducted by phone during the period of November 6-14, 1978.

Seven of the most active critics were chosen. All have been closely following the work of the HSCA, some in person, others by radio and TV. We had hoped to include other respected voices on this issue, but space and time limitations were prohibitive.

The main purpose of the project was to show the strengths and weaknesses of the critical appraisal of the HSCA's work, as well as to find if there had developed any general consensus around certain points. This is not to be construed as anyone's final say on the HSCA, because in each case the respondents want to carefully study the final report—still months away.

Each person was asked the same basic seven questions, which appear in the body of the text in numbered notation. Questions were directed at the JFK subcommittee only. The questionnaire was devised and the interviews were conducted by Jeff Goldberg of the AIB's Washington staff. The answers are those of the respondents only, and do not necessarily reflect the views of the AIB.

In order of appearance, here is a brief rundown of those interviewed:

1. Jerry Policoff (New York City) has published in *New Times*, *The Realist*, *Rolling Stone*, *New York Times*, and *The Washington Star*.

2. David Lifton (NYC) has published in *New Times* and *Ramparts*.

3. Sylvia Meagher (NYC), author of *Accessories After the Fact*.

4. Harold Weisberg (Frederick, Maryland), author of the *Whitewash* series, *Post Mortem*, and *Oswald in New Orleans*.

5. Paul Hoch (Berkeley, California), co-editor of *The Assassinations: Dallas and Beyond*, has published in *Inquiry* and *The Saturday Evening Post*.

6. Bernard Fensterwald, Jr., Washington Director of the Committee To Investigate Assassinations, and author of *Coincidence Or Conspiracy?*

7. Carl Oglesby, Washington Co-Director of the AIB, and author of *The Yankee and Cowboy War: Conspiracies From Dallas to Watergate*.

### JERRY POLICOFF:

(1) AIB: What new evidence did the HSCA develop during the public hearings?

POLICOFF: We've seen a lot of new information dealing with the way the CIA proceeded and on the background of Jack Ruby. And for the first time we've gotten the medical experts to substantiate the original work of the critics who claimed that the back wound was far lower than the autopsy reports said it was. But this was basically dropped without comment.

Basically what we have seen is peripheral material that is not directly related to who killed Kennedy. I don't think we've seen

anything substantial from this Committee that's going to have a material impact on the case. If there was anything earth-shaking that came through, it was lost to me, although there may have been.

AIB: What do you think of the HSCA's four-shot audio tape? Is it authentic?

POLICOFF: I think it's totally inconclusive. I'm willing to accept that the tape is authentic, but I'm not willing to accept that the recording of the shots is authentic. We don't know where the tape was. There have been two different studies made on the tape. One of them claims that the origin of the tape is from the Stemmons Freeway, and not Dealey Plaza.

Assuming that it is authentic, it is very difficult to relate that sequence of shots with what you see on the Zapruder film. If it is authentic, it really creates major problems for the Committee, regardless of whether they are going to go with the fourth shot or not.

Originally, the study that was issued supposedly left no doubt that there were four shots but when that became public testimony the fourth shot became a 50-50 possibility. Regardless of that, we have a 1.6 second distance between two confirmed shots—the first and second. If that's genuine and if those are actual shots, Professor Blakey notwithstanding, there is no way the Committee can get around that. Because all of the evidence indicates that the rifle cannot be fired twice in 1.6 seconds. The evidence for that, I think, is conclusive.

However, Blakey tells the world that the Committee was able to fire the Mannlicher-Carcano in less than 1.6 seconds. He said it was easy. But we're dealing with a rifle that has been operated many, many, many times since 1963 and I'm sure is a lot looser. And the fact is that when it was operated in 1963 it was very sluggish, and an FBI firearms expert, Robert Frazier, wasn't able to do it in less than 2.3 seconds.

(2) AIB: What mistakes or omissions did the HSCA make?

POLICOFF: The most appalling single omission was to call Dr. Humes as a witness and not ask him a single question about what went on during the autopsy. To me that just laid the whole thing bare and showed what their motives were. I don't understand how you could have this man on the stand and not ask him why it wasn't a complete autopsy. Not ask him who it was that ordered them not to dissect the back wound. On top of that it's clear that the man was not telling the truth when he said that he burned his original autopsy notes because they were bloody.

To begin with, the autopsy face sheet, which is in evidence, had blood on it. He was authorized to burn the original notes, as was shown by the receipt he turned in. It was signed by Admiral Burkley. And it's a standard addendum to any autopsy report. It's just totally ridiculous for the Committee to let it go by without asking a single question. To have Dr. Humes on the stand for only ten minutes, I can't find any words to describe that.

Another major flaw was their failure to do tests on the single bullet. Nobody has ever produced a bullet that has done anything like what CE399 was supposed to have done, and emerged in that kind of condition. And I think a major omission was their failure to conduct tests as to the probability of that happening.

One of the most significant areas in Oswald's background before the assassination was the period in New Orleans. That was practically ignored by the Committee, yet it certainly raises some of the most obvious questions. If Oswald was the assassin, and that's the conclusion they seem to be moving towards, then the summer of 1963 should be a very important period, and Oswald spent that summer in New Orleans associated with several people—David Ferrie, Carlos Bringuier, Warren de Bruce—who are at least suspicious. The Committee had an investigative office in New Orleans, and they should have presented their findings in public.

Another area that's going to bring their credibility into question is what they are going to release to the public. They've as much as said that they're going to suppress all immunized testimony, and a great deal of their testimony was immunized. I've heard rumors to the effect that they're going to suppress everything and are only going to publish the public hearings and certain documents. They won't have any credibility at all if they do



that, and they're going to have their own public statements to answer for, because the statement of virtually every member of the Committee was that they didn't want to repeat the biggest mistake of the Warren Commission, which was dealing in complete secrecy.

There's another thing that affects their credibility, and that's their open attitude of "let's get the critics." They brought the umbrella man to an open session, and implied that their great investigative work had found the guy and then they just basically brought him up there to ridicule the critics. I think you could go through virtually all of the major works on the assassination without finding very many of the critics who have dealt with the umbrella man in any more than a brusque way. Josiah Thompson dealt with him and basically wrote it off. Sylvia Meagher has always suggested that there was an innocent explanation for it. I don't believe Harold Weisberg has ever written about him. And then the crowning touch is that he was found by a Dallas reporter and a Dallas critic, Earl Golz and Penn Jones, and turned over to the Committee. So for the Committee to take this guy and claim him as their own, and put him on the stand to ridicule the critics, goes right to the heart of their credibility. Are they trying to solve this case or are they trying to ridicule the criticism that has been brought up all of these years?

(3) AIB: What were your hopes for the investigation prior to the public hearings?

POLICOFF: That depends on the time frame. A year ago, I had a lot of hope for the Committee. But for the past year, although I've been hoping I was wrong, everything I saw pointed towards very negative results from Blakey.

AIB: What were the major signs of this?

POLICOFF: The open hostility that Blakey had exhibited towards the critics. I learned that there was a major project inside the Committee to nit-pick the work of the various critical books by going through all of them and finding flaws.

Also, the fact that Blakey gave orders that no Committee staff member was to deal with any of the critics without his specific approval. And the fact that they seemed to be very slow in getting to some of the crucial witnesses. For example, some of the major medical witnesses weren't talked to until as late as the middle of this year.

So in August, before the hearings, my expectations were bleak. And actually I'm pleased now that they're over, because I didn't expect the Committee's lack of objectivity to come across as clearly as it did. Their record is going to be one that is very easy to tear apart.

(4) AIB: Was it doomed from the start because it was a Congressional investigation?

POLICOFF: I think it was. It's clear that Congress wanted a report that was politically acceptable. Congress also didn't want to rock the boat. One of the things that made the problem very clear from the beginning was the dispute between Sprague and Gonzalez. More than the internal conflicts there, the thing that really got Congress upset was that the boat was rocking very furiously.

(5) AIB: Compare Sprague and his investigation with Blakey and his leadership.

POLICOFF: I had problems with Sprague from the point of view of the way he was running the investigation. He saw this as too much of a standard murder case, and it's not. You can't put a bunch of detectives out on the street and solve the Kennedy assassination. I think Sprague thought you could. He didn't seem to rely much on his research staff. And this is the kind of case where studious research can be far more important than a lot of out-in-the-street detective work.

Politically, I think Sprague was the best man for the job. Because he made it clear from the beginning that he wasn't going to be subjected to outside pressure. He's the closest thing to an untouchable that I've ever seen.

Blakey is basically somebody who does represent the status quo—a man who hasn't ever rocked the boat. Sprague had an

investigative approach; Blakey had an academic approach. Maybe a mixture of the two would have been better. Blakey had a cautious approach and Sprague's approach was the opposite. I'm giving Blakey the benefit of the doubt and assuming that he wasn't part of a fix. I'm not sure that that's not being overly naive.

Blakey came in with the feeling, "Let's take a look at the old evidence and lay it out." Also, one thing is very clear, and I know this from discussions with people on the inside, Blakey limited the investigation to "what areas can we pursue where we can reach an acceptable answer or an acceptable conclusion." In other words, if it was Blakey's opinion that question X could not be resolved successfully within one year, which was the time frame that he had laid out, then it wouldn't be pursued.

That's another major difference between the two men. Sprague had in mind an open-ended approach. The Warren Commission had a major problem, they had to close up shop and were being rushed to get the Report out. So as important leads came up towards the end of the investigation they were just shovelled under the rug, because there wasn't any time. Sprague's approach was "Let's take as much time as we need to pursue every lead as far as it can be pursued." And I think that's the right approach. Blakey's position coming in was that "we're going to wrap this up by the end of next year." Sprague's approach was if it takes five years, so be it.

(6) AIB: Will the JFK issue now be relegated to a historical question, as Rep. Preyer (JFK Subcommittee Chairman) has said on *Face The Nation*, with some facts never known?

POLICOFF: Assuming that nothing happens between now and the time the final report is written that might force them to change the report, I don't think we'll ever see another official investigation. I think that's been put to rest. I also think, at least initially, that the media are going to close the book on the case. I think we're going to have a repeat of 1964. There will be a flurry of articles, followed by a flurry of books and a whole new generation of criticism. I don't think the controversy is going to die. And I think there will be things that will come out of this investigation that are going to spark speculation even more than ever.

This was the Establishment's answer to the cry for a new investigation, which had gotten so overwhelming. But it's clear that the Establishment's need was for an investigation which wouldn't rock the boat. So the Establishment has met the need. "OK, you asked for an investigation, here it is."

(7) AIB: What are your future work plans on the JFK issue?

POLICOFF: I just can't predict right now. There was a time in 1971 when I got so fed up with everything that I took all of my files and put them in boxes and just stored them away. And I didn't dream that my files would ever come out of the closet. And they did, so I don't know. I'm not particularly optimistic right now. I don't think I'll ever lose interest in the issue, but whether I'm going to continue to beat my head against the wall for the rest of my life is another question.

## DAVID LIFTON:

(1) AIB: What new information came out of the HSCA public hearings?

LIFTON: The most important and dramatic new evidence is that we are now getting, for the first time from the government, artists' renderings of the autopsy photographs and x-rays. This has never before happened. We've always had only oral and verbal testimony. Now we're getting pictorial representations of what the camera and x-ray machine produced. Even if it's not the original itself, we are a significant step closer.

AIB: Do you believe in the integrity of these drawings?

LIFTON: I do not. I think Ms. Dox (HSCA medical artist) made an honest effort to represent what she was shown and I think the



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medical panel has drawn conclusions based on what they were shown. I'm not at all convinced that those materials are authentic. At the time they gave their testimony they said they were filing reports, and I'm looking forward to examining those reports closely.

**AIB:** Any other areas which struck you?

**LIFTON:** The existence of the Dallas Police tape was new and important information, with the important proviso that it be proved that the motorcycle was really in Dealey Plaza. Assuming that to be the case, then the tape provides new evidence as to, not the timing of the shots so much, as the timing of the sounds that were heard. That's an important distinction.

**AIB:** Are you comfortable with the four-shot sequence?

**LIFTON:** I have trouble with the idea that merely based on the statistical argument that if the tape is authentic it represents a motorcycle moving at 10 miles an hour, and that that's the proof that it was there. I would like to see the identification made of the motorcycle man whose microphone switch was placed down. Which puts the Committee in a difficult position, because it's the commonly held theory that this was done to jam the police frequency. So you're asking them, in effect, to identify a Dallas policeman who, according to the assassination theorists, was doing this criminal act of jamming the police radio. But the fact is that unless it's proven who this guy is, it remains a question as to whether that motorcycle was in the plaza. And if it's not in the plaza, the Committee may be in the position of basing an entire analysis on a false premise. And they *are* basing an analysis on it. Because based on those sounds, they are then going to the Zapruder film and reinterpreting the motions of the President.

**AIB:** Is it possible to identify that motorcyclist based on the photos taken at the time?

**LIFTON:** It seems to me, with all of the money they're spending on collecting photographs, it can be narrowed down to at most six cyclists. Because there is one team of three or four that precedes the lead car and there's a group of three that precedes the pilot car, and I would hope they would have sworn depositions asking each one whether he had his microphone button down. And I think most importantly of all they should identify the cyclist who apparently left the motorcade as the pilot car was turning the corner and went up the Elm Street extension to the vicinity of the grassy knoll, where much of the evidence indicates shots came from. That itself is very suspicious. He would be an important candidate for the man who pressed this microphone button down. And of course in doing this questioning they'd have to give a grant of immunity, because of this notion that's in the air that this was a criminal act.

**(2) AIB:** What were the flaws in the HSCA hearings?

**LIFTON:** I'm amazed that the public presentation of the medical evidence was so restricted. It's as if the Committee simply said, "There are the photos and x-rays; now Dr. Baden, tell us how it happened." That's not the issue here. The issue is authenticity and the evolution of this solution. Not that they have a set of x-rays and photographs that show the assassination happened roughly as per the Warren Commission.

If there's anything wrong with any of this medical evidence, Dr. James J. Humes is the John Dean in this affair. But he wasn't treated that way at all; none of the members asked him a single question. His hands were shaking and trembling. I mean, here was John Dean, and all they've got to do is really press hard. Instead, all they were worried about was blowing their own case. Because suppose Humes really cracks, and suppose they impeach that autopsy, then their whole case goes down the tubes. And are they left with a solution to the crime? Well, not really. They've knocked a big hole in their case and they're on their way to finding major fakery. And there's Humes shaking. And you saw what happened. So there's the big tragedy, and if Humes dies in his sleep tomorrow, we lose him to history. He's a key figure in this, and so is Dr. Boswell. That's what is inexcusable, that as investigators they failed to really pursue the thing to the end. And that's what is so sad about it.

**(3) AIB:** What had you expected of the HSCA hearings?

**LIFTON:** I have to focus on the physical evidence. What I really expected was a much more thorough and searching examination of the three autopsy physicians. I expected to see FBI agents Sibert and O'Neill giving public testimony. I am shocked that issues which have been raised in the books and articles, and which anybody conversant in this case is well aware of, were not thoroughly aired in the public hearings. For example, the receipt for a bullet. In an informal contact with a staff member, I was assured that the Committee was handling that. I wanted to see it dealt with in public. I wanted to see Sibert testifying about how he could issue a receipt for "a missile removed by Commander James J. Humes" from the President's body, and not have such a bullet in the evidence. I want to see that explained. I'm astonished that Dr. Boswell wasn't deposed publicly, despite the fact that he was the one who drew the autopsy diagram. I'm astonished that Dr. Humes wasn't asked when he first wrote anywhere that a bullet traversed the President's neck. All of that should have been asked publicly and it wasn't.

Now they are claiming, for example, that the back wound is at a lower position and that the bullet traveled anatomically upward, even though it went downward in space. I'm really surprised that the person who made the measurement notations in the margins wasn't questioned at great length, whether it was Humes, Boswell, or Finck. Numerous books and articles attacking the critics have used this as evidence that the critics were wrong in talking about the low location of the wound.

**(4) AIB:** Was this investigation doomed from the start?

**LIFTON:** My own purely personal view is that it's a failure of courage on the part of the staff members who are in charge of the medical area not to give this thing a really close look in public. In other words, it's as if they ran through the good old prosecutor's case based on the x-rays and photographs and really did not address, at least in public, the issues I'm talking about. So I would say it's a failure of courage on the part of Blakey, Deputy Chief Counsel Cornwell, and Staff Counsel Andy Purdy. And it's really astonishing in the case of Purdy. My feeling is that we were very fortunate in this case to have a guy like Purdy, who started out as a critic, handling the medical area. And I'm sure that if Purdy was in my position he would be screaming bloody murder over the fact that this area wasn't presented in public. And it takes a great act of faith to assume that it was done in private; in this regard, we know that Dr. Humes was recently contacted by a critic and he said that his private questioning wasn't particularly detailed at all. Now if they didn't have the time for public questioning, they could have done extensive private questioning, but by all indications they did neither. I'm astonished, because if I was on that Committee, and even if I was finally persuaded that the assassination happened as the Warren Commission said it did, on the basis of the evidence, I'd go out of my way to expose innocent explanations for all of these things that have been the cause of books and articles over the past decade.

**AIB:** Why didn't they probe these areas in public and maybe not even in private?

**LIFTON:** That's a really good question. I don't know. One of my favorite pet peeves has been the "lawyer mentality" which you have here. Purdy, Cornwell, and Blakey have a ship, and it sort of floats. But it has some holes in it. And to ask them to pursue these things that they would consider "loose ends" is to ask them to risk putting holes in their boat. And the boat might sink if they press hard enough—if they find that there really was fudging when it comes to the physical evidence. So maybe it's simply a matter that you can't have a person on the one hand assigned to build a case that the shots came from behind and on the other hand to do what would be in court the adversary function of knocking the case down. But if that were true, then they should have assigned a separate attorney to do that function. But from what I've seen, they've only done one and not the other.



(5) AIB: Was there a difference between the Sprague and Blakey teams in terms of strategy and results?

LIFTON: Yes. And this is very speculative. The feeling that I have is that Blakey is more of an ivory-tower, academic type of lawyer and Sprague, just in plain simple words, had more guts. And I don't think the reports of the scientific panels would have been any different under Sprague; I still think they would have gotten a Dr. Baden-like report that the shots came from behind. But I don't think that Sprague would have been worried about knocking holes in that boat. He would have said, "OK, we have a pattern of evidence that Lee Harvey Oswald fired the shots; however, we have another pattern of evidence that indicates that the first pattern may have been fudged, now let's go after that and pursue that hypothesis." And I think Sprague would have done both.

I interviewed Sprague with Robert Sam Anson in the spring of 1977, and I asked him how much of the time has been spent with the issues of evidence. And he looked at me with a very funny look and he said, "One-hundredth of one percent. All of our time was spent getting money, trying to preserve the life of the Committee and so forth." And I got the impression that Sprague never got into the nitty-gritty of the evidence. His investigation never got off the ground. But if you look at what he did do, one of the interesting things is, for example, that he sent a group down to Dallas to get the tape recording of Parkland Hospital witnesses regarding fragments taken from Connally that didn't make it into evidence. I don't see where the Blakey HSCA has done that. So it seems to me, that where the HSCA's strengths will have been that they've got all of these fancy scientific reports, which may turn out to be very useful, their great weakness would be that they didn't have the courage to pursue conspiracy in the areas of inauthenticity in the physical evidence. Blakey has marshalled the evidence the way David Belin would have marshalled the evidence, and I find it hard to believe that when Blakey came in he wasn't lobbied by Belin and people like Belin, just the way Belin had done with Sprague. And I understand that Belin was in heavy contact with the Committee, and I think someone sold them a bill of goods, saying, "Look, it had to happen this way, that's the way the autopsy said it happened." And I would say they made a much greater effort trying to prove Oswald fired the shots than they did to indicate that what they called "best evidence" may be false.

AIB: Define "best evidence."

LIFTON: "Best evidence" is when a lawyer has four or five conflicting pieces of evidence or data regarding a certain fact, one of the first things he does is to define, by a legal procedure, what is the "best evidence," and then bases his conclusions on that. It's the "best evidence" that rules the conclusion of an investigation. So if you have five pieces of contradictory evidence, you're going to go with the "best evidence," which in this case means the autopsy photos and x-rays. And if it wasn't for the police tape, I am sure that this Committee would be willing to dismiss the grassy knoll witnesses as hearing echoes, which is the same sort of argument we got from the Warren Commission attorneys. It's the police tape which is giving them trouble, because it too qualifies as "best evidence," as far as the recording of a noise heard in Dealey Plaza. So now they have a really dramatic conflict. They have audio evidence that there were noises coming from the grassy knoll and medical evidence that the shots came from behind. And so they're putting it together, and the implication that I get is that they're going to leave open the possibility that maybe an assassin fired a bullet from the front that missed. It would mean a conspiracy; but if that was the line Blakey was taking, he was having a platonic affair with conspiracy. And platonic affairs aren't too much fun.

AIB: What do you think of Blakey?

LIFTON: I think he likes to be called "professor." And that's significant because his investigation will carry both the strengths and the weaknesses of a lawyer who's a professor. I think the emphasis on some of these scientific reports is going to be good. He really went out of his way to be meticulous. I just wish he

had been as meticulous and as thorough in his approach to inauthenticity. It's really good that we have scientific reports on what the photos and x-rays show. But now I'd like to see an equivalently thorough and aggressive investigation as to whether any of that stuff has been fudged.

(6) AIB: Will the JFK issue now be relegated, as Rep. Preyer has suggested on *Face The Nation*, to the status of a historical question with some facts never known?

LIFTON: I think it is certainly going to be an important historical question, and now and then it will become political. It has the potential to be a political question, but we have to face the fact that it will never have the same interest as it did in the years immediately following Kennedy's death, when Johnson was president, and when the wounds were fresh and when the memories of Kennedy were so vivid, and when the people who were so concerned about it watched TV on November 22nd. That's just a matter of time passing, it's not that the investigation is doing it.

But if any break takes place or new evidence is developed, I think it always has the potential for heating up again. That's the kind of case it is.

My feeling is that we have to study the new documents. Because reality is a funny thing. By running a plow through the soil Blakey has turned up evidence that's good for his case, but I am convinced that the very act of plowing the soil is also going to turn up a lot of data that's good for us. And the most promising example again, is this police tape. And I think we are going to find additional data in there which will be useful to us. I'm not saying it will be bombshells, I just don't know.

(7) AIB: What are your work plans?

LIFTON: I have written a book-length manuscript and I am doing everything I can now to bring it to completion, so that it will be published. That's the work that I'm really involved with and I expect to continue with it for the next nine or ten months.

It will deal with the authenticity of what this Committee calls the "best evidence."

## SYLVIA MEAGHER:

(1) AIB: What new evidence did the HSCA's hearings develop?

MEAGHER: In the way of pure evidence, I would say the acoustical evidence was the most important, although I think it remains to be evaluated conclusively. The neutron activation analysis was certainly important, although that too needs very thorough evaluation. It's based too much, I feel, on probability and on margins of error, and does not at this moment persuade me. There were other smaller items of new evidence, such as the confirmation that there is a human figure visible behind the retaining wall in the Willis #5 photograph. And the Nosenko story was quite shattering. The discovery that 37 documents were missing from Oswald's CIA file was quite arresting, although I've been told the significance might not be very high. A number of items of this kind turned up, but nothing that to my mind substantially changed the case as we knew it before these hearings opened.

In addition, I thought Judge Griffin's long statement was extremely significant. It constitutes an admission, at least to some degree, of the grave faults of the work of the Warren Commission. I don't think he went all the way. I suppose one couldn't expect him to go as far as to say as some of the critics have said, that the Warren Commission deliberately lied, deliberately misrepresented the great number of facts. But he did go some distance in concurring with the critics, and I think also his change of mind about Ruby was significant. It seems very clear to me that Griffin now does not believe Ruby came in by the Main Street ramp. And that he is much more open to the conspiracy thesis as far as Ruby's killing of Oswald is concerned. So I thought that was a very significant point and that Griffin does have some guts and some honesty as opposed to Rankin or



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any of the other figures on the Warren Commission. I thought Ford, McCloy, and Cooper were really quite pathetic.

AIB: Do you believe in the four-shot audio tape's authenticity? MEAGHER: I have great difficulty with it because it just doesn't line up with the Zapruder film. If it did, I would have no hesitation in accepting it. But every way I measure the timing of the shots and the intervals between the shots, translated into the Zapruder film I get enormous disparity and inconsistencies.

I just don't know if it's authentic. It may be a misinterpreted tape. I certainly at first glance felt elated by the findings, because they were consistent with what most of the critics have always argued. That there were shots that were from at least two, if not more, directions. That the intervals between the shots were extremely tiny, at least between the first and second shots, and that the single-bullet theory was simply untenable. So, hearing these findings, at first I said, "Gee, that's simply marvelous, that confirms what we've always said." But when you translate using Zapruder frame 313 as the one absolutely fixed point of firing, and you reconstruct the shooting on the basis of a specific shot at 313 followed or preceded by only one-half second by another shot from the grassy knoll, and then you work your way backwards to the shot that hit Connally, it does not come out at around frame 238, which it should, in my opinion, since I find absolutely irresistible the conclusion that Connally was hit around 238. So I have difficulties with it.

(2) AIB: What were the HSCA's flaws?

MEAGHER: I was appalled by the very cursory interrogation of Dr. Humes. I think that's the single most scandalous and outrageous element. Now I say this subject to seeing the full documentation and the full report in due course. It may be that in executive sessions or depositions that haven't yet been made available to us, that the Committee made the exhaustive evaluation of all of the autopsy and medical evidence that needs to be done. But to my mind the cursory hearing of Dr. Humes and the very few questions put to him raised enormous suspicion.

I thought that although they did give Marina Oswald Porter some difficult moments they were generally rather soft on her. And they did not really challenge her as much as they should have on such matters as the allegations regarding the Walker shooting and the so-called attempt on Nixon. And they never at all faced her with a systematic survey of her inconsistencies and changes in past testimony. Especially with the very important matter of how she obtained the Hosty license number, which I explained in my book was literally impossible. That was a serious omission.

I am waiting for the documentation, without which any interpretations are purely tentative. But I was struck by the fact that the Committee, just like the Warren Commission, had its friendly and unfriendly witnesses. Something that truly has no place in an objective, impartial investigation.

(3) AIB: What had you expected from the Committee?

MEAGHER: When I was in Washington in September of 1977 with a number of fellow critics, I told all of them that this was going to be a great disappointment to us, that it was going to be a new Warren Commission, slightly more sophisticated, more careful, but essentially it would be a Warren Commission.

AIB: What were the telltale signs?

MEAGHER: It was mainly an intuitive conclusion. Just the feel of the thing, because, as you probably know from the other critics who were present, Blakey gave absolutely nothing away. He simply put questions to the group and we all answered the questions and exposed our views. He in turn and the other members of the staff gave us no clue whatsoever to their thinking. So I would have to say it was simply an intuitive but very strong impression, that this group was not going to do the job that was needed to be done. Though they have done a job that at first glance, I must say, is going to be found very impressive, by those who have always supported the Warren Report anyhow. The

New York Times, CBS, and the other major news media are all going to report them mightily. They are going to have to drag out all of the adjectives they used in the fall of 1964 when they greeted the Warren Report, which they called "the rock of Gibraltar of all investigations." Well, of course, they've been proven quite wrong about that, and I think that we're going to have a repeat of this whole process of the news media giving great accolades to the Committee, disparaging the critics, and I'm afraid that some of the critics have given them a certain amount of ammunition.

(4) AIB: What went wrong, was it doomed from the start?

MEAGHER: In my opinion it was. The government cannot investigate itself. The thing that is most wrong with it is that there was no counsel for the defense of Oswald. I have stressed this all along. You cannot reach any final conclusion about this case without a real adversary procedure.

(5) AIB: Compare Sprague and his team with Blakey's team.

MEAGHER: I was out of the country during that whole period with Sprague and his difficulties and his ultimate resignation and I guess I never fully caught up with what was going on at that time. My general suspicion is that Sprague was aggressive, tough, and inclined to share the views of the critics and hence had to be gotten rid of for that reason. And nobody can say that of Mr. Blakey. In fact, I think Blakey should get the J. Lee Rankin Award of meritorious service.

(6) AIB: Will the JFK issue now be relegated, as Rep. Preyer has stated on *Face The Nation*, to the status of a historical question?

MEAGHER: It's my opinion that that's impossible. I think that the visceral feelings of the American people are not going to be removed by this great array of scientific evidence on which they've relied so greatly. Because the American public seems to have a gut feeling that this story simply is not tenable. And no matter how many experts they bring to bear, the fact is that very few findings of the experts really have been conclusive or final. They have almost always been findings reached by majority vote, without any opportunity to hear the minority members of the various panels, except in the case of Cyril Wecht. All of the findings seem to be based on probabilities with huge margins of error. And this is not the kind of reexamination that's really going to satisfy the American public. It may quiet things for a while, but not for very long.

It seems to me that the Committee, if it expects any credibility, must publish all of its supporting testimony, depositions, documents, photographs, and exhibits. Much more thoroughly than the Warren Commission did. That's the only basis on which a sound evaluation can be made of what they've done. And I suppose on that basis some writing will be done by individual critics. I suppose that organized groups, such as the AIB, will continue to press forward to examine questions to keep the issue alive. Because I feel sure that very few critics, if any, are going to be inclined to accept the findings of the Committee, which it seems to me at this moment are going to be essentially the same findings of the Warren Commission and which people reject.

I'm also not really satisfied with the shoddy and unsatisfactory way in which some arguments and evidence adduced by the critics have been dismissed by the Committee. For example, the question of the mounting of the scope on the Mannlicher-Carcano for a left-handed person. Instead of getting the original gunsmith from the Aberdeen Proving Ground to explain what he meant in making the report that the scope was mounted as if for a left-handed person, they simply had an expert of their own say there was no such thing. Well this really doesn't satisfy me, as the person who raised the point. Not at all. And if this is the manner by which they are going to dispose of questions raised by the critics, I simply won't be satisfied with what they've done.

(7) AIB: What are your future plans for research on the JFK case?

MEAGHER: I intend to acquire the report of the Committee and all of its supporting volumes, hearings and exhibits, as I did with



the Warren Commission. I intend to study it very carefully, and possibly write my own evaluation of their work. I would prefer some younger and able people, and there are a great many second and third generation critics who are at work on the case, and I would prefer that they do it. But if nobody else appears to be doing it I think I'll try my hand at it.

## HAROLD WEISBERG:

(1) AIB: Has any new information been forthcoming from the HSCA's public hearings?

WEISBERG: I think they did nothing right. This was the American equivalent of a show trial. The Committee began with preconceptions and did what it could to make them appear to be reasonable. It's an updated version of the Warren Report.

AIB: What do you think of the HSCA's four-shot audio tape? Is it authentic?

WEISBERG: I don't really know about the audio tape. I don't know enough about the accuracy of the original reports to evaluate it. I think that the testing had certain preconceptions built in—certain limitations. These raise questions in my mind.

The Dallas Police broadcast on the other channel said that the stuck microphone was on Houston Street. It's quite possible that the broadcast on the other channel was inaccurate. I don't know. I don't know of any investigation reported by this Committee to distinguish between the two.

Then there is the allegation that they can't identify which motorcycle it was. This was made without any reference to their having done any questioning. Based on the photo evidence we have, I think it would be child's play to figure out which motorcycleman it was. Plus, what everyone forgets, is that there is an accurate listing of all of the police assignments that day published by the Warren Commission. Everybody knows who was in the motorcade. And this is totally absent from the Committee's work.

Then you would be left with the question, how does this kind of spring-loaded switch get stuck? And what a remarkable coincidence when it got stuck. I can't see how it got stuck. It would have had to have been a short circuit or it was done on purpose.

So while I was impressed by some of the details of the scientific tests, I also have questions about them. For example, there is a second part of the grassy knoll which no one ever talks about. Why did they assume the one particular point on the grassy knoll which seems to me to be the least likely as the source of a shot? And why didn't they think of a shot underneath the picket fence where it was repaired and where on the high elevated place there is a sewer inlet? Things of that sort. Now, while I don't think there was a shot fired from the second floor of the Dal-Tex Building, why weren't other buildings behind tested from? Why restrict it only to the Book Depository and then only to that one sixth floor window?

(2) AIB: What mistakes did the HSCA make?

WEISBERG: That's a big question, but they never addressed the *corpus delicti* evidence. This is the body of the case. And you can't take any item of the evidence and separate it from the rest.

For example, the Committee's handling of the medical evidence was remarkably dishonest. And because the press does not include any subject experts, they got away with it. Dr. Baden was a liar, it's that simple. What the Committee went into that appeared new in the medical evidence is all in *Post Mortem*. The four inch error, for example, in the locating of the head wound was in *Post Mortem*. The fact that the back wound is lower than the Warren Commission said, on the basis of the same evidence that the Committee used, came to light in *Post Mortem*. I published it in 1965, and I'm saying they used exactly the same evidence I used, and made a big deal out of it.

Now they take this character Dr. Baden, who must have put God knows how many innocent men in jail from the kind of testimony he gave, and they allow him to testify without question, surely carefully rehearsed testimony, about the damage to

the front of the President's clothing. This is one of the areas in which Baden lied. And I'm using the word on purpose. There's not a chance that he will react and regard this as a defamation and think of suing me.

An example is the damage to the front of the President's shirt and tie. Baden addressed only one of the two damages, which are slits and not bullet holes. He said it coincides with the damage to the tie. First of all, when he got the tie it was unknotted, and the evidence of the tie is in the knot, not in the tie itself. So he has no way of knowing. He didn't use any of the existing photographs of the tie before it was unknotted and it is not possible, it simply is physically totally impossible, for the damage that he identified to one of the two slits in the neckband of the shirt to have been caused by a bullet that caused the damage to the knot in the President's tie. And the reason is very simple. In terms of how the President wore the garments, the damage to the knot in the tie was to the *upper left* extreme. The damage to the neckband, on the *right hand* side of the President's shirt, as it is opened, was *below*, totally below, the point at which the neckband joins the shirt. This is to say that it was at the diagonally opposite extreme of the knot. Now there's no question as to how that damage was inflicted. And here again Baden lied. He said he examined all of the evidence. Well, the Warren Commission's own evidence, from the doctor who was in charge at that point, Dr. Charles Carrico, is that the tie and the shirt were cut under his direction by two nurses in the emergency room using a scalpel. The damage to the knot of the tie was from the scalpel. In the course of cutting the tie off, it went through the neckband of the shirt, as both garments were held away from the President's neck in order not to cut him. This is unequivocal. Now Baden's sin is greater, because he is qualified as an expert in this kind of evidence.

AIB: To what do you ascribe his motives?

WEISBERG: Whitewash. Cover-up. Perpetuate the same false story. Without doing this the Committee's work is totally wasted. Obviously, if that damage to the President's tie was not caused by the bullet that caused the damage to the back of the President's body the whole official story, which this Committee was determined from the first to support, is totally untenable.

AIB: Any other flawed testimony?

WEISBERG: Another example is the two fragments of bullet found by the FBI on the front of the President's car, on the third search of the limosine. Unless these two fragments of bullet came from the same bullet, and determining this within reasonable certainty is within scientific capability, then on this basis alone the total official story is false. Now, both fragments, and these were the two largest of the five recovered fragments, were of copper jacketed material. They are identified as Q2 and Q3. Q2 also had lead core material. Q3 had no lead core material. The expert who testified about this to the Committee, Dr. Vincent Guinn, was funded by the Department of Justice to make a study of the usefulness of neutron activation analysis of copper jacketed material in criminalistics identification. His work was published in the *Journal of American Sciences*. Now Dr. Guinn's conclusion in this work paid for by the Justice Department was that copper jacket material is superior for such purposes. In his work for the Committee, which in all probability did not ask him to examine the copper jacket material, he made no reference to the copper jacket material, not a bit. Dr. Guinn's earlier work on copper jacket material is confirmed by a similar study made at approximately the same time and published in the same journal, by an expert at Simon Frazier University in Canada and it was funded by the Canadian Ministry of Justice.

The Committee didn't ask him about this, but as an expert he was obligated to do this work. An expert who limits himself in a case of this sort to unfair questions becomes a deliberate deceiver.

Bodies which take evidence normally evaluate a man's credibility. Here are some of the areas in which Guinn lied. He said he had no knowledge of any neutron activation analysis done before May 1964. In fact, he was in touch with John F. Gallagher of the FBI by telephone from Chicago in January 1964. In fact, he





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examined the results of neutron activation analysis of paraffin casts made by the Dallas Police of Oswald in January 1964.

AIB: If we assume for argument's sake that he lied about these dates, then what does this imply?

WEISBERG: Then why don't you assume that he lies under other occasions? Without going into motivation, a man who would lie about minor things like this, and these are essentially minor, is a totally undependable man. Now, he lied about how the test results were made available. And when I say he lied, in each case, I mean he had personal knowledge, which indicates he was not telling the truth. I'm not talking about accidental error.

I don't know why he lied. It doesn't make much difference. If the man is untruthful on relatively insignificant things like this, how can you take his word for anything? Especially when you consider that he did not meet his obligations as an expert witness, one who previously testified in 50 court procedures.

Dr. Guinn also said that the fragment specimens he examined did not meet the description of the official specimens. And this of course should have raised the most substantial questions, which the Committee did not pursue.

(3) AIB: What had you expected from the HSCA investigation? WEISBERG: I expected worse than what we got.

AIB: What did they do to make it not so bad?

WEISBERG: What made it not so bad was the Committee's incompetence and their arrogance. And they made stupid mistakes. They depend on totally uncritical acceptance. I'm hopeful they won't receive it. They were careless in not crediting prior public sources.

The main Committee formula was to put down those they call critics, and they lumped everybody together. From the insane asylum to the Federal courts, anybody who had any question about the Warren Commission or the King assassination is a nut. The fact is that except for fabrication, and the Committee had a specialty for fabrication, there is nothing of substance that came to light for which the Committee is not indebted to some critics.

(4) AIB: Was this investigation doomed from the start?

WEISBERG: First of all, I never believed it should be a select committee in the Congress. Second of all, the people who were influential in the Congress were trying to influence with the grossest misinformation. There was rampant paranoia. It was utterly impossible. And the people who began the Committee believed that crazy stuff. So they began with a certain loser. What were they going to do when they found out all of that stuff was just nonsense?

They had very few choices. They could start from scratch and disavow everything they had done, which very few political people have the integrity and the courage to do, or they could do what they did do. Conduct another cover-up and whitewash, for the most part, in the false context of putting most of the critics down. I forecast everything that was going to happen at a New York University Law School speech in April of 1975.

It was wrong to have a prosecutor in charge of such an investigation. The members of the Committee themselves were unsuited for the job. But the staff does the work anyway. And the staff is controlled by the chief counsel. It is an unusual committee that knows enough to cope with a determined chief counsel. Most prosecutors are gung-ho for getting a conviction and they couldn't care less about putting innocent people in jail, because they live by doing that. They always know that instead of seeing to it that justice is done, their political survival, their success, depends on injustice. The jails are full of men who should never have been tried.

Now when you put a prosecutor in charge of a case like this, where basically the only possible legislative handle the Committee had was an investigation into the executive agencies that were involved, you have a prosecutor in effect prosecuting himself. Because these are the kind of people with whom he has spent all of his life. The FBI, CIA, people like that. Now there's just no

chance that either a Richard Sprague or a Robert Blakey was about to do this.

(5) AIB: Was there a difference in the Sprague and Blakey approaches and the results?

WEISBERG: The difference in the Sprague team and the Blakey team is the difference in the style and characters of the two men. We would not have gotten different results. If you look at their first report, you will find that the preconceptions under Sprague are there. Based on my own dealings with Sprague, I was certain from the first that what we now have we would have had only with the Sprague style and with his special flair. Otherwise, no difference. The difference would have been superficial.

(6) AIB: Will the JFK issue now be relegated, as Rep. Preyer has stated on *Face The Nation*, to the status of a historical question?

WEISBERG: No chance. First of all, I think it's entirely improper for Rep. Preyer to say that. I think the Committee knows entirely well that it can't answer the questions; therefore, the people should never be satisfied. The assassination of a president is the most subversive of all crimes. It nullifies an entire system of society. The Committee has no right to investigate murders. The Committee has a right to investigate how the agencies of the federal government worked. It hasn't even conducted a pro-forma investigation of that. So why should anybody be satisfied with what Richardson Preyer says or what the Committee says? I think it's a pretty severe self-indictment by Mr. Preyer.

AIB: How will the issue be kept alive politically?

WEISBERG: I can't speak for other critics, but I have about 10 Freedom of Information suits pending in two different courts—at the district and appeals court levels. Long ago, I decided that in terms of bringing evidence to light, the most promising means was to use the Freedom of Information Act, and I've been using it as extensively as I could.

For example, when I got the January 21 and June 23, 1964, executive session transcripts of the Warren Commission released last October, at my own expense I held a press conference and provided copies and relevant material to go with it to the press. This kind of action can be helpful in keeping the issue alive.

(7) AIB: What future work plans do you have on the JFK issue?

WEISBERG: I'm going to continue doing what I have been doing. I'm going to continue to get as much of the withheld information as possible, and I'm going to continue to have it permanently available to all of the people. I think that without this, those of us who are in a position to do something about these malfeasances and nonfeasances by government become party to those offenses that we bring to light.

I've established a public archive at the University of Wisconsin, Stevens Point Branch, pursuant to a request made many years ago by the Wisconsin Historical Society. I selected the Stevens Point Branch because the outstanding bibliographer in the field, and a man who I came to respect as a very solid professional historian, David Wrone, is at that part of the University of Wisconsin. I have begun the deposit of my records there and as I can I will be sending more. I am preserving all of the records I receive in the exact form in which I receive them from the various agencies. For my own work I make copies. We're talking about 200,000 pages I have received in just the last two years, and there will be more.





## PAUL HOCH:

(1) AIB: Was any new information developed in the HSCA's hearings?

HOCH: Yes, basically I think the scientific tests they did provided a lot of generally important new data. Tentatively, until I see the final report, I wouldn't want to say I'm convinced by any of it, but I thought the weight of it was quite persuasive. I wouldn't want to get into specifics yet.

AIB: Is the four-shot police tape authentic?

HOCH: I find it very hard to believe that the Committee and their experts could have gotten the results they did from anything less than an authentic tape. The supposed shots passed through their six screening tests. It's essentially the right time on the tape for the shots. You see the data of the characteristic echo patterns which fit what you would expect from Dealey Plaza. You get three shots which correlate remarkably well with the Zapruder film. The question is why would anyone think it was not authentic.

But I think it's important to find out where that motorcycle was, by very closely examining the photographs to see if you can prove or disprove that there was a motorcycle roughly 120 feet behind the limousine. But the results they got back from the tape look fairly strong, and it would surprise me if they were wrong.

From what I gather the Committee would still like to find a fourth shot. I don't think they will be able to say, "This tape proves that there were only three shots, therefore there was no second gunman." Because it can't be used to prove that.

AIB: What about a fourth shot from the front?

HOCH: It's hard to believe that a shot from the front hit. But I don't trust Dr. Baden quite as much as I trust the experts from Bolt, Beranek and Newman. I want to see their report and examine it quite closely.

AIB: You are now willing to believe that only three shots were fired, all from the sixth floor window, and that it may or may not have been Oswald?

HOCH: The first part is certainly now a lot more plausible than it used to be. As to whether it was Oswald, I don't think they added anything to the Warren Commission's case. They must also prove that it's possible to fire the rifle more quickly than the Warren Commission said.

AIB: Anything else in any other areas of the investigation?

HOCH: Not really. Not very much. It struck me that outside of the scientific evidence and Judge Griffin's testimony, they didn't have anyone who wanted to tell them a whole lot.

(2) AIB: What were the HSCA's flaws?

HOCH: The things that bothered me at the time were their failure to press Dr. Humes, their failure to get anywhere with Helms, and generally the lack of attention to what I consider the possibility that Oswald was framed.

There's sort of a consensus among the critics that Oswald was framed—pretty systematically. My feeling is that there's a big circumstantial case against Oswald. And either he did it or he was framed. And I think we have our suspicions about the latter that are quite strong, and I suspect the Committee may not deal with them. They're just going to say, "Well, look, here's all the evidence that he did it."

They haven't resolved the whole question of Dallas Police involvement in the assassination. A basic point I think is pursuing the implications of a possible "big" conspiracy back to Dealey Plaza. For them to talk about Ruby and organized crime, but not to talk about how Ruby got into the basement of the DPD in real detail, is an omission. I read Seth Kantor's book recently, *Who Was Jack Ruby?*, and it seems having DPD Lieutenant Jack Revill talk about how Ruby might have gotten into the basement really isn't getting to the questions Kantor raises—that this was a conspiracy. Kantor names individual police officers that he thinks could have been involved. If they really haven't gone into that, it would be a major flaw.

(3) AIB: What were your hopes for the investigation prior to the hearings?

HOCH: It looked like things were getting better than they had been at the Committee's start. Things had looked very bad in the Committee's early history, and things were looking up, if for no other reason than we weren't getting a lot of public nonsense or a lot of questionable leads being pursued in public. But I really didn't know what to expect.

(4) AIB: What went wrong with the investigation, if anything?

HOCH: I wouldn't want to imply that anything went wrong. I'll pass for now and judge from the final report what went wrong.

(5) AIB: What is your evaluation of the Sprague and Blakey investigations?

HOCH: Sprague let enough of what he was doing come out so that I thought it was going very badly, but I would want to see the record. In fact, it struck me that one reason the members would not be too enthusiastic to have the whole record available in the Archives next year is that they have their performance under Sprague to worry about. It could be very embarrassing.

For example, Sprague was saying things about Mexico City that just completely surprised me. He talked about documents I found very hard to believe ever existed. So tentatively, my working hypothesis would be that it was very chaotic under Sprague, that he was going off in all different directions, with very little critical judgement. One of the things I think you could say about Blakey is that he stopped talking to people like Mark Lane. Apparently Lane was very happy with Sprague.

I like Blakey. It's a bias. I'm willing to assume good faith by everyone in this whole business. Everyone wants to find the truth and do something else. Find the truth and get organized crime, or find the truth and advance your career, or whatever. So I certainly assume good faith on everyone's part, including Sprague, but even with that qualification I think Blakey's OK.

(6) AIB: Will the issue now be relegated, as Rep. Preyer has stated on *Face The Nation*, to the status of a historical question?

HOCH: I think Judge Griffin was right when he testified that the public's interest won't die away within the lifetime of anyone in the hearing room. And I suspect it might die away for the time being. And there may be a certain validity to what Rep. Preyer says. There are questions that can't be answered, but they've got a lot to do to convince us that they've done all one can do to answer all the ones that can be answered.

I think I may be a little too close to the issue, but I don't think it will go away, and the Committee must realize that if they don't let all of the evidence out, that makes it much more difficult to have it go away.

We are entitled to access to the bulk of their evidence. Judge Griffin's position was that everything consistent with human decency should be made public. I think it's a good position. If the Committee is smart they will realize the importance of hearing something like that from someone on the Warren Commission, who went through this once before. I just hope they don't make a similar mistake by not perceiving the lasting historical interest.

AIB: Do you think there will be a permanent prosecutor set up to investigate these cases?

HOCH: I think the dynamic here is that Blakey is more concerned about having the Justice Department go after organized crime than he is about having the Justice Department going after a Mafia conspiracy in the Kennedy case which may or may not have happened. Whether or not there was an assassination conspiracy, if he comes out of this with a renewed war on organized crime, it's an achievement. And if you feel the way he does about organized crime, that's a perfectly legitimate approach.

(7) AIB: What future work will you be doing on this issue?

HOCH: Working on documents and materials from the House Committee's releases, and from the FBI and CIA. Assuming there are documents to be gotten, I intend to get them still.



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### BERNARD FENSTERWALD, JR.:

(1) AIB: Has anything good been developed by the HSCA's hearings?

FENSTERWALD: I think there has been considerable good in the public testimony that has been taken because some of it points clearly to at least two riflemen in Dealey Plaza. And secondly, I think that if we can persuade the Committee to publish much of the material which it has gathered, but did not come out in the public hearings, that may be even more helpful.

AIB: What new information has been forthcoming from the HSCA's hearings?

FENSTERWALD: I thought that the testimony of the audio expert who testified as to four shots and the grouping of those shots was the most important single piece of information.

AIB: Do you think the tape is authentic?

FENSTERWALD: I see no reason in view of the testimony to doubt its authenticity.

AIB: Are you satisfied that there were four shots spaced the way the tape indicates?

FENSTERWALD: I see nothing in the evidence that I am aware of up to this point that makes it impossible. As a matter of fact, it certainly makes a very believable scenario of two gunmen each firing two shots.

AIB: From which positions?

FENSTERWALD: I don't know where they came from. I would suspect that one of them may have come from a lower floor of the Depository on the other corner of the building.

I think that if you had a man on the first floor of the opposite corner of the building, that it squares a great deal more with what we know than someone firing from Oswald's window. You don't have the tree problem or the trajectory problems, because the shot that went through John Kennedy was coming at a flat trajectory from right to left, and that is much more in line with someone on the first or second floor on the opposite corner of the building. And that would explain how the shot could go through JFK on a flat trajectory and even exit the car without hitting anything.

I think they've got a lot of testimony in the record that's going to be difficult to square with the Warren Commission. But I think they may attempt to do what the Warren Commission did, which is to say, "Well, there are inconsistencies, but this is the best we can do."

(2) AIB: What mistakes did the HSCA make?

FENSTERWALD: There are two things. The first is that they permitted the FBI and the CIA to dictate who they could have on their staff. The second thing was that they did not use their subpoena power towards the executive branch. They "worked it out" with the various agencies, and I don't think in a situation like this that makes any sense. Also, I think their announcement that they would have such people as Sylvia Duran testifying, and then at the last minute she doesn't show, was a great flaw.

(3) AIB: What were your expectations prior to the public hearings?

FENSTERWALD: I thought that we were going to be presented with a much more one-sided, straightforward bolstering of the Warren Commission. I was surprised that there was a good deal of contradictory evidence put into the public record.

(4) (Not Asked)

(5) AIB: Compare the Blakey team with the Sprague team?

FENSTERWALD: I don't think that you can make a comparison. Because Sprague was having to deal with Henry Gonzalez and I think any chief counsel would have had a great deal of difficulty

in doing a vigorous investigation under that circumstance. So I don't think Sprague really had a decent go at it. On the other hand, I think it's naive of a chief counsel to think that he can get rid of a chairman and then survive himself.

(6) AIB: Will the JFK issue now be relegated to the status of a historical question, as Rep. Prayer has said on *Face The Nation*?

FENSTERWALD: As much as Mr. Preyer would like that to happen, I don't think there's any chance of it, because I think there's still serious doubts in the minds of the public and a number of unsettled questions that are going to have to be answered, and I don't think people will be willing to wait 50 years for them to be answered.

AIB: How can the issue be kept alive as a political one?

FENSTERWALD: I think this may depend on the amount of information which we can force the Committee to print. The only way I know for people to have an effect on that process is to write to the individual members of the Committee, saying that they hope that the Committee will not do what the Warren Commission did, which is to try to lock up the information for X number of years.

AIB: Don't they have to release most of it?

FENSTERWALD: I don't think so, because I think they can do exactly what the Warren Commission did, which is to lean on the old canard of national security.

(7) AIB: What are your and the CTIA's future plans on this issue?

FENSTERWALD: I personally am gathering as much information as I can with respect to Lee Harvey Oswald's connections to the U.S. government. Not that I think that that necessarily has a bearing on solving the crime. But I think it may well solve the cover-up, which in turn may lead to solving the crime.

The CTIA will continue its work, not only because of the JFK case, but because of a number of others which we have been working on which are not even within the jurisdiction of this committee.

### CARL OGLESBY:

(1) AIB: What new information came out of the HSCA's hearings?

OGLESBY: First, the Committee established that Oswald was in contact with the Marcello Mob during his five-month stay in New Orleans in 1963 (through Marcello's aide, David Ferrie), and the Marcello Mob was a source of contemporary threats against JFK's life. Jim Garrison was once onto the Ferrie angle, but the HSCA has made the relationship a certified official nailed-down fact. What remains is to understand it.

Second, the Committee acknowledged that Jack Ruby was an organized crime figure, a mobster of some or another kind, quality and rank. This was an obvious-seeming concession maybe, yet it was one which the WC obstinately declined to make. The Committee went on to develop an outline (still quite incomplete, to be sure) of Ruby's fascinating relationship with Santos Trafficante, crime overlord of Tampa and Batista's Cuba, a relationship played out against a background of Cuban smuggling, counter-revolution and what Nixon much later would repeatedly call "the whole Bay of Pigs thing." Trafficante was an ally of Marcello's in anti-Kennedy and anti-Castro activity. The two were also allies of Jimmy Hoffa. They were also allies of the CIA in the plots to hit Castro. It is apparent that we are unravelling here a thick nest of major relationships.

Third, the Committee procured expert analysis of a tape of what purports to be a Dallas Police Department recording of the assassination in progress. The experts authenticated the tape, said that it is in part a record of events beginning at 10 seconds past 12:30 noon, 12/22/63, Dealey Plaza. This record, said the experts, does not prove but strongly indicates that there were four shots, not three, that the third of these was fired from in front of the motorcade from the vicinity of the grassy knoll, and that there are lapsed-time intervals of only 1.6 seconds between shots one and two and 0.5 seconds between shots



three and four. Any one of these indications, definitely established, would by itself absolutely overthrow the Warren depiction of the shooting.

(2) AIB: What were the flaws in the HSCA's work?

OGLESBY: The mandate of the Committee was to review the record of the official search for the truth and the critique of this record. Its purpose was not necessarily to find the final truth, in the sense of solving the case, and certainly its purpose was not to defend the official theory of the lone assassin yet again. Yet from the outset of the Stokes-Blakey period, as is clear to all dry eyes in the audience, the committee was out to prove that the Warren Commission was basically right about "the mechanics" of Dealey Plaza. Blakey's performance was that of a skilled prosecuting attorney building his case against the accused. It was an impressive job, but since when does only one side get to be heard before judgment? If Blakey was to be indulged the tricks of a prosecutor, then Stokes as chairman owed it to Congress and the country to guarantee a structured-in opportunity for extended and formal response from some capable voice speaking in Oswald's defense. The committee's utter failure to offer Oswald's defense the least chance to speak is at bottom what stamps it in effect a committee of limited-modified hang-out.

(3) AIB: What were your hopes before the hearings started?

OGLESBY: This committee existed because of a popular demand for it, and a lot of well-informed people have been paying close attention to its work, as well as paralleling that work with private investigations of their own (as in the case of the Bronson film). The AIB's presence, I was always sure—if we could bring it off—would make a positive difference because we could provide for an occasional focus of the energy and skills of a large part of the entire community of active and effective but essentially separate critics. So I always had some hope for the Committee because it was operating in these circumstances. And I think this has been proved out. Whatever its original and final intentions, and whatever it will try to get away with in its final report, this Committee's hearings did not bury the issue or destroy the critics or put back together the Humpty Dumpty of the Warren theory. Its shortcomings are many and major, but on the whole it opened the case up wider than before and has a good chance of leading to a more serious investigation.

(4) AIB: What went wrong?

OGLESBY: The Committee, as I say, should not be seen as a failure, or as an obstacle in the path of the search for the truth. Rather, it should be seen as a stepping-stone to something beyond itself, a phase in the slow organizing transformation of official consciousness of the JFK assassination. Of course, if the Committee does not recommend a continuing investigation, this forward impulse may be dissipated; but I think even so it would not be lost.

(5) AIB: Compare Gonzalez-Sprague to Stokes-Blakey?

OGLESBY: We did not see Sprague working long enough to know how he would finally have shaped up. I think he might have been too prosecutorial in somewhat the same way as Blakey, though from the opposite side of the case. Neither this case nor the general processes of a congressional investigation are such as to permit the "solving the crime" or "cracking the case." All that was possible was sober and honest review of the dispute, then a common-sensical recommendation as to what if any new investigative initiatives should be taken, such as the convening of a federal (or Texas) grand jury or the appointment of a special presidential prosecutor.

(6) AIB: Will the issue be relegated to history?

OGLESBY: Already the post-hearing opinion polls have been taken (*Washington Post* 12/4/78) and we can see what impact the hearings have had on public perceptions. Whereas before the hearings 75% of the people thought there was a conspiracy at

Dallas, now, after the hearings, that figure has shot straight up to 80%. And until some governmental body joins with the people to find the truth, instead of constantly trying to get people to stick their heads back down the ostrich hole again, that's where opinion is going to stay. And so long as opinion stays there, the JFK issue will remain political and open, not closed, and the attempt to consign it to "history" will be the mark of dupes and fellow-travelers.

(7) AIB: What future plans do you have?

OGLESBY: To stay with it, somehow. To write and speak. To work with and through the AIB, whose functions of synthesis, integration, and focus seem to me essential.

## HSCA MAY FIND CONSPIRACY IN KING CASE

The King investigation appears to have found that anti-King conspiracies had formed in at least three spheres, not necessarily connected.

1. The Committee found and reviewed evidence indicating that the FBI, under the open and spiteful prodding of Hoover, had mobilized a totally illegal "COINTELPRO" campaign to destroy the public influence of King. The Committee will probably make a point of saying it found nothing to indicate Hoover wanted the FBI actually to kill King or to have him killed.

Yet the Committee seems to be responding that Hoover's hatred of King and his fear that King would become "a black messiah" may well have generated an atmosphere in which other parties would feel justified in taking executive action. Indeed, in a powerful statement read by Chairman Stokes late in the hearings, the HSCA directly raised the possibility that the FBI might be guilty of "negligent homicide" and of playing "Russian roulette" with King's life.

2. The Committee found that two shady characters operating near St. Louis, John Kauffman and John Sutherland, both now dead, conspired in 1967 to put a \$50,000 bounty on King's head and to recruit a taker for the offer. Kauffman and Sutherland were members of a white-supremacist, neo-Confederate businessman's organization called the Southern States Industrial Council (SSIC). A secret organization unearthed by the Committee's investigation, SSIC was apparently also a secret financial supporter of George Wallace's American Independent Party. The Committee has not settled its view of SSIC or its AIP tie. The question is, as of this late date, still under investigation.

3. The Committee may suggest that James Ray's brothers, Jerry and John, should be indicted as co-conspirators with James in the assassination of King. The famous "Raoul" to whom James has constantly adverted would thus turn out to be a composite of Jerry and John. Such a finding would substantiate the analysis offered first by David Lifton and AIB associate Jeff Cohen in *New Times*, April 1, 1977 ("A Man He Calls Raoul").

But caution. Senior critic Harold Weisberg, no one to disregard on any point of evidence in this case, is convinced that "Raoul" was in fact an underworld figure and that the Ray brothers are being railroaded by the FBI.

The key question left open by the King subcommittee is whether or not a relationship existed between any or all of these elements. Did the FBI's attitude "touch" the St. Louis group? If the Rays were involved, were they linked to this SSIC?

There is no proof as yet in this rather freshly opened area,



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only questions casting long shadows. But certain matters are now settled. That a cultic intensity animated a law-enforcement agency attack on King, that this attack took the form of conspiratorial and illegal activity led by the FBI, and that this attack coincided with white-trash bounty-setting against King are all now solidly established facts in the death of King, make of them what we will.

—C.O.

### HSCA MLK HEARINGS— Schedule and Witnesses Called

(Here is the complete witness and subject schedule for the August, November, and December King hearings. Each day's subject heading (italicized and in quotes) was assigned by the HSCA.)

#### August Hearings

14th—(*"Who Was MLK?"*), Witnesses and Exhibits (henceforth, "W & E"): Opening Statements of Reps. Stokes, Fauntroy, and Devine; Narration, "The History of the Civil Rights Movement"; Dr. Ralph Abernathy.

15th—(*"Medical Evidence"*), W & E: Dr. Michael Baden, Chairman of the HSCA medical panel; medical exhibits by Ida Dox, the HSCA medical illustrator.

16th—(*"James Earl Ray"*), W & E: Gene Johnson, HSCA Deputy Chief Counsel, "Description of the Crime Scene"; James Earl Ray (including a 1½ hour prepared opening statement), accompanied by counsel, Mark Lane.

17th—(*"James Earl Ray"* cont'd), W & E: James Earl Ray.

18th—(*"James Earl Ray"* cont'd), W & E: James Earl Ray (henceforth JER); HSCA interview of Alexander Anthony Eist, retired Scotland Yard detective; HSCA staff report, "Compilation of the Statements of JER" (100 pps.—GPO #052-070-04628-7); Mrs. Ethel Peters, Piedmont laundry counter-clerk; Coy Dean Cowden, alleged Ray alibi witness; Ernestine Johnson, HSCA staff investigator, re: HSCA interview of Harvey Locke; Lawrence E. McFall and Philip T. McFall, Memphis Texaco station owner-operators.

#### November Hearings

9th—(*"The Admissions of JER"*), W & E: Opening statements of Reps. Stokes and Fauntroy; Alexander Anthony Eist; Narration, "Circumstances of Corroboration." (*"Science"*), W & E: Narration, "Science"; HSCA ballistics panel—Monty Lutz, Donald Champagne, John Bates, Jr., Andrew Newquist, Russell Wilhelm and George Wilson.

10th—(*"Ray's Motives"*), W & E: Narration, "Possible Criminal Motives of JER"; Taped HSCA interview with Manuela Aquirre Medrano, a Mexican prostitute in 1967 who knew JER. (*"Security Stripping"*), W & E: Narration, "Official Complicity in Memphis"; Edward Redditt, former Memphis detective; Frank Holloman, former Memphis Director of Fire and Safety.

13th—(*"Security Stripping"* cont'd), W & E: Narration, "CB Radio Broadcasts" and "Cutting Down of Trees Behind 422½ South Main Street." (*"Escape and Capture"*), W & E: Edward Evans, HSCA Chief Investigator, re: "Aliases"; Narration, "Conspiracy to Silence?—JER's Guilty Plea"; Percy Foreman, former attorney for JER; Phil N. Canale, former District Attorney for Shelby County, Tennessee; Dr. McCarthy DeMere, attending physician to JER during his Memphis incarceration.

14th—(*"Grace Walden"*), W & E: William L. Sriggley, former Memphis Police officer; Dr. David F. Moore, supervising psychiatrist at John Gaston Hospital, Memphis (1968); C. Cleveland Drennon, former Assistant Attorney for Shelby County, who was appointed Grace Walden's guardian (1968); Dr. James R. Druff, superintendent of Western State Mental Hospital (WSMH) (1967-69); Dr. Jack C. Neale, III, superintendent of WSMH (1969-73); Dr. Morris Cohen, superintendent of WSMH (1976-78); HSCA Report of Dr. Roger Peele, HSCA psychiatric expert; Duncan Ragsdale (Memphis attorney) and Mark Lane, current co-guardians of Grace Walden.

15th—(*"Ray's Finances"*), W & E: Edward Evans, HSCA Chief Investigator, "Staff Report—JER's Finances."

17th—(*"FBI and COINTELPRO"*), W & E: Opening statement Rep. Fauntroy re: Allegations made by Mark Lane; Andrew Young, US Ambassador to the UN; Brady Tyson, assistant to Andrew Young; Stoney Cooks, executive assistant to Andrew Young; Affidavits of Daniel Ellsberg and Rev. James Lawson; Narration, "Security and COINTELPRO"; Arthur Murtaugh, former Atlanta FBI agent; James Rose, former Atlanta FBI agent; Charles D. Brennan, former chief of the FBI's Internal Security Section of the Domestic Intelligence Division (1968); George C. Moore, former chief of the FBI's Racial Intelligence Section of the DID (1968); HSCA deposition of Theron Rushing, former FBI supervisor of the Racial Intelligence Section (1968).

20th—(*"FBI Complicity and the Invaders"*), W & E: Marrell McCullough, former undercover Memphis policeman; Calvin Taylor, former member of the Invaders; John B. Smith and Charles L. Cabbage, founders of the Black Organizing Project of Memphis and former Invaders.

21st—(*"FBI Field Office and FBI Contact with JER"*), W & E: William Lawrence, retired Memphis FBI agent assigned in 1967-68 to the security investigation of MLK; Robert Jensen, retired SAC Memphis (1967-70), Narration, "FBI Contact with JER."

27th—(*"FBI"*), W & E: Narration, "MURKIN Staff Report"; Cartha De Loach, former FBI Assistant Director (1965-70); Statement by Rep. Stokes, "Did The FBI Kill MLK, Jr.?" HSCA Staff Report, "An Analysis of the Performance of the Department of Justice and the FBI."

28th—(*"Justice Department"*), W & E: Ramsey Clark, former US Attorney General (1967-69); Stephen Pollak, Assistant Attorney General of the Civil Rights Division (1967-69).

29th—(*"Conspiracy Theories"*), W & E: Opening Statement of Rep. Stokes; Narration, "Conspiracy Theories—Out of Many, One To Consider"; Russell George Byers, St. Louis man offered \$50,000 to kill MLK in 1968; Judge Murray Randall, former attorney of Russell Byers; Lawrence Weenick, former attorney of Russell Byers; Edward Evans, HSCA Chief Investigator, "Investigative Report: St. Louis Conspiracy."

30th—(*"Jerry Ray"*), W & E: Jerry Ray, brother of JER, accompanied by counsels Florence Kennedy and William Pepper.

#### December Hearings

1st—(*"John Ray"*), W & E: John Ray, brother of JER, accompanied by counsel James H. Lesar and investigator Harold Weisberg; Freddie Phillips, owner of the Southern Motel, Corinth, Mississippi; Closing Statements of Reps. Fauntroy and Stokes.



## A NEW FILM OF THE JFK ASSASSINATION

The AIB organized a special screening in Washington last November 26 to show the press selected frames from a newly discovered film of the JFK assassination taken by Charles A. Bronson. Robert Groden and Jerry Policoff were present to show the new 8 mm. color film and explain the significance of its indication that the "lone assassin" may have had company in the sniper's nest. The film's images are tiny and unclear, but as of our press time, the result of a computer enhancement of one of the Bronson frames indicates that at about 12:23, or 7 minutes before the motorcade arrived in Dealey Plaza, there may have been two men in the alleged Oswald window. The HSCA apparently plans to conduct further computer enhancement. If the film holds up in this respect, it will put an end to all single-gunner mythologies once and for all.

Following are edited versions of two documents the AIB prepared for distribution at this screening. "The Bronson Film: Where It Came From" goes into the process by which this important new evidence was rediscovered. "Two Figures in the Sniper's Nest?" reviews some of the previous eye-witness testimony indicating that more than one person was in the place where only Oswald was supposed to be at the very moment Kennedy was scheduled to arrive in the plaza.

### THE BRONSON FILM: WHERE IT CAME FROM

At the opening two months ago of the House Select Committee's September hearings on the JFK assassination, Chairman Louis Stokes, JFK Subcommittee Chairman Richardson Preyer, and Chief Counsel G. Robert Blakey all spoke confidently of the thoroughness of the investigation whose outlines they were about to present. All the important documents, films, photos and witnesses, they said, had been found and fully examined to the extent that this was possible within the committee's limits. And especially this was true, they said, in regard to the physical evidence bearing on "the mechanics" of the shooting.

The world may therefore wonder why the Bronson film, possibly the most important new physical evidence to surface since the period of the crime itself, is only now being brought to light. And why the existence of this film should come as such a total jolt to the House Committee and its \$5-million-dollar staff, when the FBI document that led citizen investigators to the Bronson film has been in the Select Committee's possession for over a year.

Here is how the Bronson film reached public awareness.

Earlier this year, more than a hundred thousand pages of formerly classified FBI documents on the JFK case were made public as a result of suits brought by Harold Weisberg, Paul Hoch and other critics under the Freedom of Information Act. These documents had reportedly already been made available to the Select Committee.

This deluge of previously unseen raw intelligence data confronted the critical community with a serious research burden. A few people could not read it all, at least not in the time period of the HSCA's work, and it seemed important that any new discoveries be put before the Committee's investigative machinery. Yet the informal community of assassination scholars and Warren Commission critics had no internal organization capable of coordinating the work of many readers widely separated from one another.

So an informal network of readers was set up in which the first readers identified and pulled all documents that were of any possible interest and passed them on to others for more careful scrutiny.

The document that began the search for the Bronson film was FBI memo 89-43-518, dated November 25, 1963, from SA Milton L. Newsom to SAC, Dallas FBI Field Office. Released

as a result of Weisberg's FOIA suit, this memo was first spotted and pulled by AIB research associate Robert Ranftel. Ranftel then sent this and several thousand other such FBI documents to researcher David Lifton in New York, who recorded them and sent them on to Paul Hoch in Berkeley for cataloging and basic organizing. Hoch then forwarded the documents to several downstream readers. The memo in question thus reached Sylvia Meagher in New York, who consulted with Jerry Policoff in New York and Mary Ferrell in Dallas. This group put the memo in the hands of *Dallas Morning News* reporter Earl Golz. Golz found Bronson in Ada, Oklahoma, got the film, and took it for analysis to Robert Groden in New Jersey.

Except for newsman Golz and HSCA consultant Groden, none of these researchers is institutionally supported in any way. From Weisberg to Ranftel to Lifton to Hoch to Meagher to Policoff to Ferrell, each is an independent citizen who does the work because of a belief in the importance of the issue and a concern for the country's welfare.

As will unfold over the next few months, more vital new information on the president's assassination is yet to come out. The Bronson film is not the last sensation. Indeed the whole case may indeed now be in the early stages of a full-blown eruption. The consequences of such an eruption are hard now to predict, mainly because so much will depend on the attitudes of those in a position to help or to obstruct the continuing investigation. They alone can decide whether or not the continuing effort to expose the conspiracy responsible for the president's death will be carried out by a broad national front of interests uniting in a cause of simple truth and justice, or whether on the contrary, as is still the case, serious investigation will remain the task of a small group of independent citizen critics who must still fight tooth and nail for every new piece of information. If we can make solving the mystery of the president's murder a task for the government as well as for the people, instead of a task in which the two are set against each other, then the searching out of the truth could be a healing national venture. If we cannot, and the JFK case continues to reflect a smaller civil war, then the coming home of the truth will only bring us greater pain.

### TWO FIGURES IN THE SNIPER'S NEST?

The newly discovered Charles Bronson film of the JFK assassination indicates that a second person may have been present in the 6th-floor nest of the "lone" assassin. This obliges us to review again the eye-witness testimony collected by the Warren Commission, but rejected by it, that tends to support this indication.

**A. Carolyn Walther**—Mrs. Walther told the FBI that she saw two men in the southeast corner window of an upper floor of the Depository a few minutes before the motorcade came by. She said one of them was holding a rifle and pointing it at the street below. She thought the man with the rifle was a guard. She said he was wearing a white shirt and had blond or light hair. Walther said she saw a second man to the left of the rifleman, partly obscured, wearing a brown suit coat. (Commission Exhibit 2086).

Mrs. Walther was not deposed by the Warren Commission. She was not interviewed by the Select Committee.

**B. Arnold Rowland**—Rowland was standing with his wife at the west entrance of the Dallas County Records Building on Houston Street, about 150 feet from the Depository. At 12:15 by the Hertz clock on the Depository roof, he saw a man standing about 3 to 5 feet back inside the window at the southwest corner of the Depository on the 6th floor. Rowland said the man was holding a scope-sighted rifle in the port-arms position. He said he also saw at the same time a second man, "a Negro," leaning against the ledge of the southeast window (2H 170). Rowland assumed the armed man was a security guard. The rifleman shortly disappeared from view and Rowland did not see him



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again. The "Negro" man stayed there until 5 or 6 minutes before the assassination.

Rowland's observations were so challenging to the Warren Commission's basic conception of the case against Oswald that it devoted two pages of the *Report* (WR 251-52) to discrediting him. The main point the Commission makes against him is that he did not mention the second man until March 1964, when he testified before them. But Rowland insists that he told the FBI about the second man when he was interviewed by them the day after the assassination. He says the FBI told him to forget it (2H 183-85).

Rowland's claim is supported by the testimony of Deputy Sheriff Roger Craig, who told the Warren Commission that Rowland had immediately sought out the authorities to tell them he had seen two men on the 6th floor (16H 953).

Rowland's claim is even backed up by the Commission itself. On page 251 the *Report* says Rowland failed to mention the second man until March. Nevertheless, two paragraphs later, it quotes Deputy Sheriff Craig's claim that "about 10 minutes after the assassination" Rowland told him "he saw two men on the sixth floor of the Book Depository Building over there," and that one of them had a rifle with a telescopic sight (WR 251).

**C. Lillian Mooneyham**—Mrs. Mooneyham was interviewed by the FBI on January 8, 1964. She told the FBI she watched the JFK motorcade from the courthouse across from the Depository. She said that "4½ to 5 minutes following the shots [ . . . ] she looked up towards the 6th floor of the TSBD and observed the figure of a man standing in the 6th floor window behind some cardboard boxes," standing back from the window and "looking out" (24H 531). A Dallas policeman, M.L. Baker, encountered Oswald in the lunchroom on the second floor of the Depository only 90 seconds after the shots were fired. The man seen by Mooneyham "4½ to 5 minutes" after the shooting therefore could not have been Oswald. (Note: The sniper's nest was not discovered by the police until about 40 minutes after the shooting).

**D. Dillard and Powell Photographs**—Dr. Bob R. Hunt, photo-enhancement expert of the University of Arizona, reported the findings of the HSCA's photographic panel with reference to two

photos taken right after the shooting (September 25, 1978). Press photographer Tom Dillard (HSCA Exhibit JFK F-153) took his photo seconds after the final shot, after the alleged rifleman had already fled the window. The Powell photo was taken some two to three minutes later. (Both photos show the face of the Depository). Dr. Hunt concluded that "somebody or something moved boxes around in that room" in the minutes after the assassination, the same time during which Oswald was encountering Officer Baker and Mrs. Reid on the second floor.

Hunt told the HSCA that the change in the configuration of the boxes visible in the Dillard and Powell photographs gave the appearance of "boxes rising up in between" other boxes in the window, just as if someone, in the moments after the shooting, was setting up the sniper's nest which was to be found by police later.

**F. Judge Bert Griffin**—Judge Griffin of Cleveland was assistant counsel to the Warren Commission. One of his tasks was to follow the search for fingerprints in the sniper's nest. The Warren Report pretends to be confident of establishing Oswald's fingerprints alone in the nest. But the reality was different, for as Griffin would later complain:

"The investigation of the fingerprints was so inadequate, there could have been a football team up there with Oswald and the Commission would not have discovered it." (Source: Griffin to D. Lifton, taped interview).

### RECOMMENDED READING

- 1—"JFK: The Unsolved Murder," *Inquiry*, by Paul Hoch and Jonathan Marshall, 12/25/78; recap of the HSCA hearings.
- 2—"Tink," *New Yorker*, by Calvin Trillin, 11/27/78; a short, current bio on Josiah Thompson, private detective.

## SPECIAL DOUBLE—ISSUE

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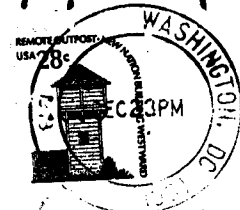
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